

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

DONNA CURLING, *et al.*,

*Plaintiffs,*

v.

BRAD RAFFENSPERGER, *et al.*,

*Defendants.*

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

**STATE DEFENDANTS' NOTICE OF  
OPPOSITION TO DISCOVERY EXTENSION**

The State Defendants submit this response to the Court's Order, [Doc. 1272 at ¶ 4], stating their opposition to a fourth extension to this round of discovery. The current round of discovery has continued on for more than eight months, far beyond what State Defendants understood this Court to be envisioning when it ordered an "abbreviated schedule for the parties' completion of discovery and summary judgment briefing." [Doc. 1088].

State Defendants continue to maintain that Plaintiffs' lack of a particularized injury is a pleading problem that they have refused to address even when the Court has advised them to tailor their claims. *Id.* And State Defendants' appeals raising those jurisdictional problems, among other issues, remain pending in the Eleventh Circuit, fully briefed as of July 2021, with

argument now scheduled for the week of May 16, 2022. With the current schedule providing for the conclusion of summary judgment briefing on April 14, 2022, this Court and the Eleventh Circuit will already be threading the needle to avoid simultaneously exercising jurisdiction over matters bound up in the appeals.<sup>1</sup> See *Blinco v. Green Tree Servicing, LLC*, 366 F.3d 1249, 1250 (11th Cir. 2004) (citation omitted). Moreover, even with the current discovery schedule, the State is already preparing for high-profile primary and general elections.<sup>2</sup> See *Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 140 S. Ct. 1205, 1207 (2020) (cautioning against last-minute changes to election rules).

This Court should bring discovery (and this case) to a close. If the Court chooses to permit anything additional at all prior to the Eleventh Circuit’s ruling on the appeals, it should permit only the out-of-time depositions for Ms. Price, the 30(b)(6) depositions of CGG and of the Secretary’s Office (as previously noticed and scheduled), and depositions of CGG’s experts (if their supplemental reports are not excluded). This Court allowed Plaintiffs an *abbreviated* opportunity to build an evidentiary record (after multiple rounds of expedited discovery), but no record can support their generalized grievances.

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<sup>1</sup> The SEB Members, the Secretary’s Office, and counsel will also be consumed with trial in *Fair Fight Action v. Raffensperger*, No. 1:18-cv-05391-SCJ (N.D. Ga.), beginning April 11, 2022 and likely lasting for several weeks.

<sup>2</sup> Early voting for the Primary begins May 2. O.C.G.A. § 21-2-385(d)(1)(A).

Respectfully submitted this 26th day of January 2022.

/s/ Carey A. Miller

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**L.R. 7.1(D) CERTIFICATION**

I certify that this Notice of Filing has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C). Specifically, this Response has been prepared using 13-pt Century Schoolbook font.

/s/ Carey A. Miller  
Carey A. Miller